

APPLICANTS' INTERVIEW SUMMARIES

Applicants thank Examiner Ardin Marschel for the courtesies extended during the telephone interviews on August 3, 2004, September 14, 2004, and October 7, 2004, respectively (hereinafter "the Interviews") with Applicants' and Assignee's representatives Adriane M. Antler, R. Douglas Bradley, and Weining Wang<sup>1</sup>. During the Interviews, potential claim amendments were discussed.

In the interview of October 7, 2004, Dr. Antler proposed to amend claim 58 by replacing the phrase "each of said one or more artifacts comprising an artifact pattern comprising measurements of changes in said cellular constituents resulting from deviation of one or more experimental variables from conditions under which it is desired to make said measurements" with the phrase "each said artifact pattern comprises measurements of said cellular constituents and represents contribution of one of said one or more artifacts in said measured biological response profile, wherein each of said one or more artifacts results from deviation of one or more experimental variables from conditions for measuring said measured biological response profile free of said artifact." Dr. Antler also proposed to amend claims 71-72 similarly. The Examiner indicated that such amendments would overcome the rejection under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Also in the interview of October 7, 2004, with respect to the rejection under 35 U.S.C. § 103(a) based on Felder, or, alternatively, based on Felder in view of Singer, Dr. Antler proposed to amend claim 58 by incorporating the limitation of claim 62. The Examiner indicated that the amendment would overcome the rejection of claim 58 under 35 U.S.C. § 103(a). Dr. Antler also pointed out that claims 71 and 72 were not obvious over Felder or Felder in view of Singer because the claimed methods refer to a library of artifact signatures. The Examiner agreed that claims 71 and 72 were not obvious over the cited prior art.

THE REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH,  
SHOULD BE WITHDRAWN

In the Office Action mailed November 19, 2003, claims 58-64 and 70-76 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point

<sup>1</sup> Dr. Bradley participated only in the interviews conducted on September 14, 2004 and October 7, 2004.